

***United States Court of Appeals  
for the Second Circuit***



**SUPPLEMENTAL  
APPENDIX**





74-2092

CASE NUMBER

74-2092

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

No. 74-2092

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JO DAVIS MORTENSON,

APPELLANT

VS

SYRACUSE UNIVERSITY, etc., et al.,

APPELLEES

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SUPPLEMENTAL APPENDIX

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JAMES I. MEYERSON  
1790 Broadway - 10th Floor  
New York, New York 10019  
(212) 245-2100

Attorney for Appellant

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JO DAVIS MORTENSON, et al,

Plaintiff

vs.

SYRACUSE UNIVERSITY, et al,

Defendants

NOTICE OF MOTION UNDER  
FEDERAL RULES OF CIVIL  
PROCEDURE 12(b), 12(f),  
23(c) (1)

Civil Action No.  
73-CV-545

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TO: James I. Meyerson  
1790 Broadway 10th Floor  
New York, New York 10019  
Attorney for Plaintiff

PLEASE TAKE NOTICE that the undersigned will bring a motion, pursuant to Federal Rules of Civil Procedure §§12(b)(1), (2) and (6), to dismiss the plaintiff's complaint for lack of jurisdiction over the subject matter, lack of jurisdiction over the person, and for failure to state a claim upon which relief can be granted and under Federal Rules of Civil Procedure 12(f) to strike certain paragraphs of the complaint.

PLEASE TAKE FURTHER NOTICE that defendants will move pursuant to Federal Rules of Civil Procedure § 23(c)(1) to determine that this action should not proceed as a class action.

This matter will be brought for hearing before this Court at a Motion Term to be held on February 11, 1974 at the Federal Building, Syracuse, New York at 10:00 A.M. or as soon thereafter as counsel can be heard.

Dated: January 22, 1974

BOND, SCHOENECK & KING  
By William E. Fitzpatrick  
William E. Fitzpatrick

Attorneys for Defendant  
Office and P. O. Address  
One Lincoln Center  
Syracuse, New York 13202  
(315) 422-0121

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JO DAVIS MORTENSON, et al,

Plaintiff

vs.

SYRACUSE UNIVERSITY, et al,

Defendants

AFFIDAVIT IN SUPPORT  
OF MOTION UNDER FEDERAL  
RULES OF CIVIL PROCEDURE  
DURE

Civil Action No.  
73-CV-345

STATE OF NEW YORK )  
COUNTY OF ONONDAGA) ss.:

WILLIAM F. FITZENTRICK, being duly sworn, deposes and  
says:

1. I am a partner in the firm of Bond, Schoenack & King, attorneys for defendants in this action.
2. This affidavit is made for the purpose of dismissing plaintiff's complaint insofar as it alleges jurisdiction under 42 U.S.C. 2000e et. seq. (Civil Rights Act of 1964); 42 U.S.C. §§1983 and 1985 (Civil Rights Act of 1871); the 14th Amendment to the United States Constitution; and Executive Order 11246 as amended by Executive Order 11375.
3. This affidavit is further made for the purpose of dismissing so much of plaintiff's complaint as alleges claims for class relief on behalf of all other women who, because of their sex, and solely because of their sex, have been, are being, and will continue to be denied access to and retention to, and promotions and tenure in faculty positions at Syracuse University.
4. Syracuse University is a private institution and is not affiliated with any local, state or federal government.
5. The individually named defendants are or were all employees of Syracuse University, a private institution and during the period covered by the complaint were not employed by or in any way acting for any local, state or federal agency.

13. On information and belief plaintiff has jurisdiction under 42 U.S.C. Section 2000e et. seq. (Title VII of the Civil Rights Act of 1964) only over those defendants against whom charges were initially filed with both the Equal Division of Human Rights and the Equal Employment Opportunity Commission (EEOC). The only defendant named in charges filed with both agencies is Syracuse University and plaintiff has no jurisdiction over other defendants named in her complaint.

14. Plaintiffs charge of discrimination was filed with the EEOC on September 27, 1973. On information and belief these charges were rejected by EEOC as being untimely filed. Plaintiff did not properly exhaust her administrative remedy under 42 U.S.C. §2000e et. seq. (Title VII of the Civil Rights Act of 1964) and the Court has no jurisdiction under this act.

15. Plaintiff, Jo Davis Mortenson, is not a proper representative of the proposed class.

16. There are no questions of fact or law common to the class.

17. The claims of Jo Davis Mortenson are not typical of the class because:

(a) Jo Davis Mortenson is not employed by Syracuse University.

(b) Jo Davis Mortenson was never refused hiring by Syracuse University.

18. Jo Davis Mortenson will not fairly and adequately protect the interests of the members of the class because her claim is unique.

19. If female faculty members of the Syracuse University faculty believe they have been the victims of discrimination, prosecution of separate actions by such individuals would aid their ability to protect their individual interests.

6. The Fourteenth Amendment to the United States Constitution is applicable only to matters involving state action and confers no jurisdiction upon the Court in an action brought against a private university and private individuals.

7. 42 U.S.C. §§1983 and 1985 (Civil Rights Act of 1971) are applicable only to matters involving state action or state involvement and confers no jurisdiction upon the Court in an action brought against a private institution and private individuals.

8. Executive Order 11246, as amended by Executive Order 11375, concerns certain obligations of government contractors and delegates enforcement of the order to the Department of Labor.

9. No private cause of action is authorized under Executive Order 11246, as amended by Executive Order 11375.

10. 42 U.S.C. §§2000e et seq. (Title VII of the Civil Rights Act of 1964) requires that proceedings first be commenced under state or local law and then filed with the Equal Employment Opportunity Commission (EEOC) within stated statutory time limits before plaintiff has a right to sue in federal court.

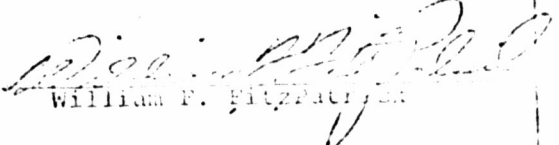
11. Plaintiff never filed with the EEOC any timely charges concerning the allegations in the complaint and plaintiff is precluded by the applicable statutes of limitation from raising them at this time.

12. 42 U.S.C. §§2000e et seq. (Title VII of the Civil Rights Act of 1964) initially excluded from its coverage "an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution." This exclusion was not removed from the law until March 24, 1972. Jo Davis Mortenson was denied tenure and termination by the University prior to March 24, 1972 and therefore has no jurisdiction to Title VII of the Civil Rights Act of 1964.

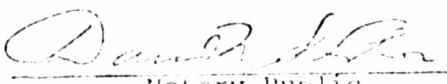
20. If any females believe they were denied access to faculty positions at Syracuse University and have been victims of discrimination, prosecution of separate actions by such individuals would aid their ability to protect their individual interests.

21. Defendants have taken no position in reference to female members of the proposed class that would make appropriate final injunctive relief or declaratory relief with respect to the class as a whole.

22. Plaintiff's proposed class is so overly broad that any adjudication which attempts to deal with whatever complaints all women who were denied access to an promotions in faculty positions at Syracuse University would necessarily result in poor relief for all and injustice to many in the class.

  
William F. Fitzpatrick

Sworn to before me this  
23<sup>rd</sup> day of January, 1974.

  
Notary Public

DAVID R. SMITH  
Notary Public for the State of New York  
Commission Expires: 04/01/77  
My Comm. No. 148,000,000,000



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JO DAVIS MORTENSON, et al,

Plaintiff

vs.

SYRACUSE UNIVERSITY, et al,

Defendants

AFFIDAVIT

Civil Action No.  
73-CV-543

STATE OF NEW YORK )  
COUNTY OF ONONDAGA) SS.:  
CITY OF SYRACUSE )

DR. WALTER SUTTON, being duly sworn, deposes and says:

1. I have been a member of the faculty of Syracuse University in the Department of English at all times mentioned in the complaint herein and am fully familiar with the facts of this case.

2. I have been Chairman of the Department of English since the fall of 1971 and continue in that position at the present time.

3. Jo Davis Mortenson was hired by the Department of English effective September, 1966, and was, therefore, never denied hiring.

4. On information and belief, fourteen tenure decisions have been made by the Department of English from the fall semester of 1964 through the fall semester of 1973 for personnel with the rank of lecturer and assistant professor. Of the fourteen individuals considered, eight were approved for tenure (four of whom had two or more years prior teaching experience at other institutions), and six were denied tenure.

5. On information and belief, the six individuals denied tenure consisted of five men and one woman, Jo Davis Mortenson.

6. Personnel who are not granted tenure, are given a letter of termination, effective at the end of the school

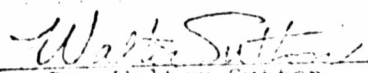
year following the year in which the tenure determination is made. On information and belief, from the fall semester of 1964 through the fall semester of 1973, the Department of English has served six notices of termination upon individuals, five of whom were men and one of whom was a woman, Jo Davis Mortenson.

7. Jo Davis Mortenson was never granted tenure by the Department of English.

8. Jo Davis Mortenson was hired with primary academic responsibility in the English Renaissance Period.

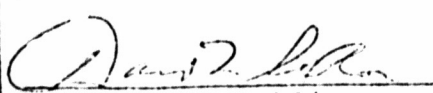
9. The general criteria and procedures for tenure utilized by the Department of English are set forth in the Faculty Manual of Syracuse University (September, 1971) and in the "Organization of the Department of English." The interpretation and application of these criteria to the consideration of Jo Davis Mortenson as a candidate for tenure in the English Department as a specialist and potential senior professor in the English Renaissance are necessarily unique because of the particular knowledge and skills required for that position.

10. Even if the allegations in Jo Davis Mortenson's complaint were to be considered as true for the purposes of this motion, to my knowledge no one has ever been denied tenure and terminated in the way and after the events she alleges in her complaint.

  
Dr. Walter Sutton

Sworn to before me this

*2nd* day of January, 1974.

  
Notary Public

DAVID L. S. 11  
Notary Public in the State of New York  
Qualified in Green, Co. No. 243672

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

JO DAVIS MORTENSON, et al,

Plaintiff

vs.

AFFIDAVIT

SYRACUSE UNIVERSITY, et al,

Civil Action No.  
73-CV-545

Defendants

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STATE OF NEW YORK )  
COUNTY OF ONONDAGA) ss.:

DAVID N. SEXTON, being duly sworn, deposes and says:

1. I am an associate in the firm of Bond, Schenck & King, attorneys for defendants in this action, and am fully aware of the facts in this case.

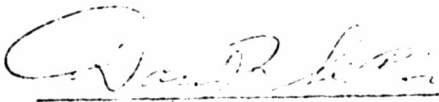
2. The claims alleged by Jo Davis Mortenson in her complaint have been previously filed with the New York State Division of Human Rights. The Division of Human Rights carried on a detailed investigation and thereafter a public hearing was held which involved testimony being taken over many days and over an extended period of time. The Division of Human Rights found no discrimination and dismissed the complaint. Jo Davis Mortenson made an appeal from this decision which has been argued but no decision from the Appeal Board has been received as of this date.

3. Jo Davis Mortenson also instituted a proceeding before the Syracuse University Senate which resulted in many days of testimony over a long period of time. No finding of discrimination was made by the Senate Committee.


4. The complaint in this action has alleged no facts sufficient to justify a cause of action against the Executive Committee of the Department of English, the Tenure Committee of the Department of English or any of the individually named defendants. Defendants cause of action is properly

brought, if at all, only against Syracuse University.

5. Plaintiff's complaint has failed to allege any acts sufficient to constitute a conspiracy upon which jurisdiction could be based under 42 U.S.C. Section 1985. Further, all of the individually named defendants were, during the period covered by the complaint, employees of Syracuse University and were acting in that capacity in all matters covered by the complaint. On information and belief, their actions as agents and employees of Syracuse University constituted acts of the University itself and there is, therefore, no other party which is necessary to constitute a conspiracy.

  
David N. Sexton

Sworn to before me this  
22nd day of January, 1974

  
Notary Public

THOMAS J. GROOMS  
Notary Public in the State of New York  
Qualified in Onondaga Co. No. 6670140  
My Commission Expires March 31, 1975

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JO DAVIS MORTINSON, et al,

Plaintiff

vs.

SYRACUSE UNIVERSITY, et al,

Defendants

AFFIDAVIT

Civil Action No.  
73-CV-545

STATE OF NEW YORK )  
COUNTY OF ONONDAGA ) SS.:  
CITY OF SYRACUSE )

DR. CLIFFORD L. WINTERS, JR., being duly sworn, deposes  
and says:

1. I am Vice Chancellor for Administrative Operations for Syracuse University and am fully familiar with administrative and financial matters of the University.
2. Syracuse University is a private, non-profit, educational institution and as such is not controlled by nor is it an instrumentality of any local, state or federal government.
3. Syracuse University was originally incorporated through the filing of articles of incorporation under the General Laws of the State of New York on March 25, 1870 and was reorganized and re-incorporated by Chapter 414 of the Laws of 1887, entitled, "An Act for the Re-Organization and Incorporation of Syracuse University" (the "Charter".) This Charter was amended from time to time by the Legislature and, as amended, is attached hereto as Exhibit A. The Charter has also been amended from time to time by the Board of Regents and these amendments are attached hereto as Exhibit B.
4. The Trustees of Syracuse University have enacted By-Laws pursuant to Article I, §3 of the "Charter". The By-Laws adopted November 10, 1972 are attached hereto as Exhibit C.

5. There is no provision in either the Charter or By-Laws for any state official to be a voting member of the Board of Trustees.

6. The budgets for Syracuse University for fiscal years 1970 through 1973 and the amount and percentage of financial aid received from New York State is as follows:

	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>
Budget	\$73,953,014	\$83,943,525	\$89,737,192	\$87,928,883
State Aid	2,904,870	4,102,223	2,988,791	3,168,689
% of State Aid to Total Budget	3.298	4.887	3.331	3.604

7. Syracuse University also received funds from the United States Government during this period, but on information and belief, the amount and use of these federal funds are not relevant to Plaintiff's allegation of state action by the defendant university.

*Clifford L. Winterrowd*  
Dr. Clifford L. Winterrowd

Sworn to before me this  
22<sup>nd</sup> day of January, 1974.

*David H. Schuch*  
Notary Public

DAVID H. SCHUCH  
Notary Public in the State of New York  
Qualified by Oath, Co. No. 04-01-0000  
Exp. Comm. Expires March 20, 1975

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JO DAVIS MORTENSON, et al,

Plaintiff

vs.

SYRACUSE UNIVERSITY, et al,

Defendants

AFFIDAVIT OF MAILING

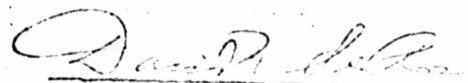
Civil Action No.  
73-CV-545

STATE OF NEW YORK )  
COUNTY OF ONONDAGA) ss.:


DAVID N. SEXTON, being duly sworn, deposes and says:

That on the 22<sup>nd</sup> day of January, 1974, he served the annexed Notice of Motion Under Federal Rules of Civil Procedures 12(b), 12(f), 23(c)(1) and Supporting Affidavits in the above entitled action on the person whose name is set forth below, by enclosing true and correct copies of said Notice of Motion Under Federal Rules of Civil Procedures 12(b), 12(f), 23(c)(1) and Supporting Affidavits in securely sealed, post-paid envelope addressed to said person at his respective post office address as set forth below, and deposited same in a mail chute regularly maintained by the United States Government in the Lincoln Bank Building, Syracuse, New York.

James I. Meyerson  
1790 Broadway 10th Floor  
New York, New York 10019

  
David N. Sexton

Sworn to before me this  
22<sup>nd</sup> day of January, 1974.

  
Notary Public

*My Commission Expires 3/30/75*

# CHARTER

## An Act for the Re-Organization and Incorporation of Syracuse University

(Chapter 414)

Passed May 19, 1887

Amended:

Chapter 43,	Laws 1889
Chapter 501,	Laws 1895
Chapter 13,	Laws 1906
Chapter 81,	Laws 1920
Chapter 532,	Laws 1952
Chapter 609,	Laws 1960

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the present trustees of Syracuse University to wit:

Charles Andrews, O. H. P. Archer, Erastus F. Holden, John F. Hurst, Daniel I. Ives, George F. Comstock, John Crouse, Francis E. Trowbridge, Peter Burns, James J. Baldwin, Alfred A. Howlett, John W. Archbold, Theodore Irwin, Edwin Nottingham, James M. Hoese, Isaac Gibbard, Luke C. Queal, David Decker, Forrest G. Weeks, James B. Brooks, Edmund Ocumpaugh, J. E. Bills, J. B. Wentworth, Francis H. Root, Nathaniel C. Husted, John D. Slayback, John T. Martin, William I. Preston, George Lansing Taylor, Philo Remington, George P. Folts, William H. Reese, Edwin R. Redhead, J. W. Eaton, William H. Hughes, L. L. Sprague, A. Griffin, William Connell, William H. Olin and their successors, shall be and forever remain a body politic and corporate, in fact and in name, by the name of the Syracuse University; and by that name may and shall have continual succession forever hereafter, and shall have power and be able in law to sue and be sued, defend and be defended, in all courts and places whatsoever; to make and use a common seal, and to change and alter the same at their pleasure, to take by purchase, gift, grant, bequest, devise or in any other manner, and to hold, for the purposes for which the said corporation is organized, any real or personal property and estate whatsoever; to take and receive any grant, gift, devise or bequest charged with one or more estates for life or for years or life annuities or annuities for a



term of years, in which the reversion or remainder shall go to said university for the use of such university; as one of its incidental powers, to sell surplus steam and surplus chilled water produced at its steam plant and with appropriate consents to convey the same through underground lines in streets and across the property of others to its tenants, and to educational, hospital, charitable, religious, and public housing corporations, operating exclusively as such, from which no officer, member or employee receives or may be entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more such purposes; and the said trustees and their successors shall have power to give, grant, demise, mortgage or otherwise dispose of, with or without the usual covenants of warranty, all or any part of the said real and personal estate as to them shall seem best for the interest of said university.

NON-SEC-  
TARIAN

BOARD OF  
TRUSTEES  
NUMBER

TERM

ALUMNI  
TRUSTEES

BY WHOM  
ELECTED

SECTION 2. Said corporation shall be non-sectarian. Its affairs shall be conducted by a board of trustees consisting of not less than twenty nor more than sixty members, the number to be fixed from time to time by the board of trustees. The chancellor shall be ex-officio a trustee. The present trustees shall hold their offices during the full term for which they may have heretofore been respectively elected or appointed and until the annual meeting of said board next following the expiration of such term, except where such term expires at the time of an annual meeting. The several trustees shall be chosen for a term of six years. Such number of the trustees as shall be fixed by the by-laws, not less than six, shall be alumni of Syracuse University of not less than five years' standing and shall be elected by the alumni association of said university. Such number of the trustees as shall be fixed by the by-laws may be elected as prescribed therein by patronizing conferences whose boundaries shall lie wholly or in part within the state of New York. All

other trustees shall be chosen by ballot by said board of trustees at its annual meeting to be held in the city of Syracuse, New York, at such time during the last week of the collegiate year as the board shall determine. In case the alumni association or any of the patronizing conferences shall fail to elect trustees as provided by the by-laws, then said board of trustees shall by ballot fill any existing vacancies.

BY-LAWS

SECTION 3. The said trustees and their successors shall have power to make by-laws prescribing rules for their government, the manner of filling vacancies in said board of trustees, fixing the number of trustees to be elected by said Alumni Association, and for the purposes of carrying into effect the provisions of this act, and to make and establish all such rules and ordinances, as to them shall seem expedient or necessary, for carrying into effect the purposes of said corporation, not inconsistent with the constitution and laws of this State or of the United States.

QUORUM

SECTION 4. Eleven trustees shall constitute a quorum for the transaction of all business except that for the election or dismissal of any officer or a member of any faculty, fifteen shall constitute a quorum, and a concurring vote of at least twelve trustees shall be required, but a number less than a quorum may adjourn.

OFFICERS

SECTION 5. The said trustees and their successors shall have power to appoint and remove their own officers and all officers and teachers of said university, and prescribe their duties and fix their salaries.

PROPERTY

SECTION 6. That all the real and personal estate, and all interest in any real or personal property or estate of every name and nature whatsoever, and wheresoever the same may be, which is now vested in the

Syracuse University, as now constituted and organized, be and the same is hereby confirmed to and vested forever in the Syracuse University, as hereby constituted for the sole use and benefit of said university, and any debt, demand, liability, obligation or contract, incurred or entered into by said Syracuse University, prior to the passage of this act, shall remain and be as valid and may be enforced by or against said Syracuse University, as hereby constituted, in the same manner and with the same effect as if this act had not been passed. And nothing in this act contained shall be deemed to impair, or in any manner affect, any claim, right, title, or interest of said trustees, or said university, in or to any property, real or personal, acquired by or vested in, or any debt, demand or liability incurred by, or contract or obligation entered into by said trustees or said university prior to the passage of this act; and nothing in this act contained shall in any manner affect or impair the present right, title or interest of any person, or of the heirs or legal representatives of any person in or to any property at any time claimed, or which shall hereafter be claimed by such trustees as such or by said corporation, nor shall anything in this act contained in any manner affect any action or proceeding now pending to which said corporation is a party, and it shall be lawful to and for the said trustees or their successors, or the said university, as hereby constituted, to grant, bargain, sell, demise, mortgage, improve and dispose of said property, and to pay, cancel or discharge such liabilities, and to perform or enforce such contracts or obligations in such manner as to them shall seem meet, and for the best interests of said university, provided however, that no property real or personal, now owned or held by the said university for the purpose of endowment; or which it may hereafter obtain for said purpose by gift, grant or devise, shall be used, mortgaged, pledged or

ENDOWMENT  
NOT TO BE  
USED FOR  
CURRENT  
EXPENSES

hypothecated, or in any other way disposed of by said university, its trustees or agents, for the payment of current expenses of said university, but the interests and profits of such property may be used for that purpose.

OBJECTS OF  
UNIVERSITY

SECTION 7. The object of said corporation is and shall be the diffusion of knowledge, and to promote Christian learning, literature, science and art, in their various departments, and the knowledge of the learned professions.

DEPART-  
MENTS

SECTION 8. The said trustees and their successors are hereby empowered to create as departments of said university, a college of medicine, a college of theology, a college of liberal arts, a college of law, a college of Industrial arts, a college of fine arts, a college of letters, and such other colleges or departments as said trustees shall deem expedient or necessary to accomplish the purposes of said university; to prescribe rules and regulations for the government of the same; to organize and employ faculties, and prescribe courses of study therefor, and to grant and issue to the students or graduates of any such college such degrees and diplomas and such honorary degrees as are usually granted or issued by institutions of like nature in the United States, subject to the provisions of this act.

DOCTOR OF  
MEDICINE

SECTION 9. The said trustees and their successors shall have power to confer the degree of doctor of medicine upon and issue medical diplomas to only such students as shall have attained the age of twenty-one years, shall be of good moral character, shall have received a good English education and pursued, at least, a full three years' course of medical study, after the age of sixteen years, and the last year of which

shall have been at said college of medicine, and shall have passed the examination prescribed by the rules and regulations of said university pertaining to said college of medicine.

BACHELOR  
OF LAWS

SECTION 10. The said trustees shall have power to confer the degree of bachelor of laws upon, and issue diplomas to, only such students as shall be of good moral character, as shall have received a good English education and pursued, at least, a full two years' course of study of the law, the last year of which shall have been at the said college of law, and shall have passed the examination prescribed by the rules and regulations of said university pertaining to said college.

SECTION 11. All such degrees and diplomas so granted shall entitle the possessor thereof to the immunities and privileges allowed by usage or statute to the possessors of like degrees and diplomas from any university, college or seminary of learning in this State.

CERTAIN  
DEGREES  
LEGALIZED

SECTION 12. All medical degrees and diplomas heretofore granted by the said Syracuse University, or the faculty of the college of medicine in said university, and which may be granted at the next commencement of said medical college, to the students or graduates of the said college of medicine in said university, who shall have pursued in said college the course of study heretofore prescribed by the rules and regulations thereof, and which degrees or diplomas have been or shall be at said next commencement conferred after examination entitling said students and graduates thereto, are hereby legalized and declared to be valid, and of like sufficiency, force and effect as medical degrees, diplomas, certificates or licenses granted or issued by any lawfully constituted or incorporated medical society, college, university or chartered medical school in this State.

VISITATION  
OF REGENTS

SECTION 13. The said university shall be subject to the visitation of the Regents of the University of this State, in the same manner and to the same extent as the various colleges of this State.

POWERS

SECTION 14. The said corporation shall possess the powers conferred by, and be subject to the provisions of title three chapter eighteen of part first of the Revised Statutes, so far as the same are applicable; and shall also be subject to the provisions of chapter three hundred and sixty of the laws of one thousand eight hundred and sixty, entitled, "An act relating to wills."

REPEAL

SECTION 15. Chapter thirty-one of the laws of eighteen hundred and eighty-two, entitled "An act in relation to the endowment of the Syracuse University," and chapter one hundred and eighteen of the laws of eighteen hundred and eighty-six, entitled "An act for the relief of Syracuse University" are hereby repealed.

SECTION 16. This Act shall take effect immediately.

DECEDENT  
ESTATE  
LAW

SECTION 17. No person having a husband, wife, child, or descendant or parent, shall, by his or her last will and testament, devise or bequeath to any benevolent, charitable, literary, scientific, religious or missionary society, association, corporation or purpose, in trust or otherwise, more than one-half part of his or her estate, after the payment of his or her debts, and such devise or bequest shall be valid to the extent of one-half, and no more. The validity of a devise or bequest for more than such one-half may be contested only by a surviving husband, wife, child, descendant or parent. When payment of a devise or bequest to such society, association, corporation or purpose is postponed, in computing the one-half part of such society, association, corporation

or purpose, no allowance may be made for such postponement for any interest or gains or losses which may accrue after the testator's death. The value of an annuity or life estate, legal or equitable, shall not be computed upon the actual duration of the life, but shall be computed upon the actuarial value according to the American Experience Table of Mortality at the rate of four per centum per annum. Such value shall be deducted from the fund or property, which is subject to the annuity or life estate, in order to ascertain the value of a future estate or remainder interest passing to such society, association, corporation or purpose.



University of the  
Education



State of New York  
Department

Amendment to Charter of  
Syracuse University

This instrument witnesses, That the Board of Regents for and on behalf of the Education  
Department of the State of New York has amended the

Charter of Syracuse University, Syracuse, - - which was originally incor-  
porated through filing articles of incorporation under the general  
laws of the State of New York on March 25, 1870, and reorganized  
and reincorporated by chapter 414 of the Laws of 1887, entitled  
"An Act for the Re-Organization and Incorporation of Syracuse  
University", which charter was amended from time to time by the  
Legislature and by the Board of Regents, including amendments by  
the Regents authorizing the conduct of branches for instruction  
in various parts of the State, by authorizing the corporation to establish  
and operate a graduate residence center in business administration at  
Corning to be known as The Corning Graduate Center of Syracuse  
University and to be empowered to confer the master of business adminis-  
tration (M.B.A.) degree.

Granted April 22, 1911, by the Board of Regents  
for and on behalf of the State Education Department,  
executed under the seal of said Department  
and recorded therein. Number 6103



Edgar D. Conner  
Chairman

President of the University  
and Vice-Chancellor of Education

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University of the  
Education



State of New York  
Department

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Amendment to Charter of  
Syracuse University

This instrument witnesseth: That the Board of Regents for and on behalf of the Education Department of the State of New York has amended the charter of Syracuse University, Syracuse, by authorizing the university to conduct an in-residence institutional branch at Chautauqua, during summer sessions only, known as "Chautauqua Center of Syracuse University," such power having previously been granted provisionally on March 26, 1954, and extended by action of the Regents on April 25, 1956 and which provisional amendment was further extended for a period of 3 years from March 26, 1961, by action of the Regents on June 26, 1969.



Edgar & Cooper

Granted September 26, 1972 by the Board of Regents  
for and on behalf of the State Education Department,  
executed under the seal of said Department  
and recorded therein. Number 8778

*[Signature]*  
John E. ...  
Secretary of the University

University of the  
Education



State of New York  
Department

# Amendment to Charter of

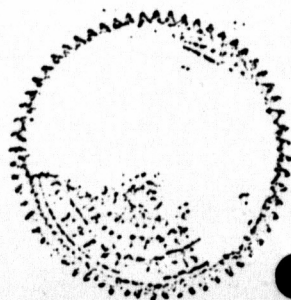
Syracuse University

This instrument witnesseth That the Board of Regents for and on behalf of the Education Department of the State of New York has amended the

Charter of Syracuse University, Syracuse, — which was originally incorporated through filing articles of incorporation under the general laws of the State of New York on March 11, 1872, and reorganized and reincorporated by chapter 414 of the Laws of 1887, entitled "An Act for the Re-Organization and Incorporation of Syracuse University," said charter having from time to time been amended by the Board of Regents on July 12, 1916, by authorizing the corporation to conduct a branch for "in-residence" instruction in the Triple Cities Area of Elmira, Johnson City and Endicott, to be known as "Triple Cities College of Syracuse University," and again amended by Board action on January 17, 1927, by authorizing the university to conduct a branch for "in-residence" instruction in or near the city of Utica, to be known as "Utica College of Syracuse University," — by changing the name of the branch for in-residence instruction in the Triple Cities Area of Binghamton, Johnson City and Endicott, authorized by amendment to the charter on July 12, 1916, from "Triple Cities College of Syracuse University" to "Endicott Center of Syracuse University"; and further, that said charter be amended provisionally by authorizing the university to conduct additional in-residence institutional branches as follows:

- a. At Olean, during summer sessions only, to be known as "Olean Center of Syracuse University";
- b. At Oswego, for the purpose of conducting programs in engineering and the sciences at the graduate level, to be known as "Oswego Center of Syracuse University"; and
- c. At Rome, for the purpose of conducting programs in engineering and the sciences at the graduate level to be known as "Rome Center of Syracuse University";

such provisional amendment, valid for a period of three years, to be made absolute if within three years the university shall be maintaining at said a "Center" or in-residence branch courses of study of educational usefulness and character satisfactory to the Regents. Prior to the expiration of said three-year period an application that such provisional amendment be intended to make absolute will be entertained by the Regents, but, in the event that such an application is not made, then at the expiration of said term of three years such provisional amendment shall terminate and become void.



Granted March 26, 1924 by the Board of Regents  
for and on behalf of the State Education Department,  
executed under the seal of said Department  
and recorded in its Number 6551

*John S. Edwards*

*Thomas A. Wilson*

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University of the  
Education



State of New York  
Department

Extension of Provisional Amendment to Charter of  
Syracuse University

This instrument witnesses that the Board of Regents for and on behalf  
of the Education Department of the State of New York, on June 26, 1952

Resolved, That the provisional amendment by the Board of Regents under date of March 26, 1954  
to the charter of Syracuse University, authorizing the university to conduct an in-residence institutional branch  
at Onondaga, during summer sessions only, known as "Onondaga Center of Syracuse University," which  
provisional amendment was extended for a period of three years from March 26, 1957, by action of the Re-  
gents on April 25, 1957, be and the same hereby is further extended for a period of three years from March 26,  
1960; that prior to the expiration of said three-year period an application that such provisional amendment  
be further extended or made absolute will be entertained by the Regents, but in the event that such application is not  
made, then at the expiration of said term of three years such provisional amendment shall terminate and become  
void.



Granted June 26, 1952, by the Board of Regents  
for and on behalf of the State Education Department  
executed under the seal of said Department  
and, attested therein. Number 7453

Witness my hand  
President of the University  
and Secretary of Education

University of the  
Education



State of New York  
Department of Education

## Amendment to Charter of Syracuse University

This instrument witnesses *That the Board of Regents for and on behalf of the Education Department of the State of New York, has*

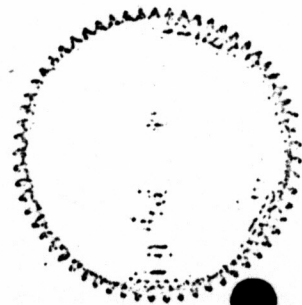
1. Extended for a period of three years the provisional amendment to the charter of Syracuse University authorizing the university to conduct an in-residence institutional branch at Chautauque, during summer sessions only, to be known as "Chautauque Center of Syracuse University", which provisional amendment, valid for a term of three years, was granted by the Regents on March 20, 1954, the extension thus granted providing further that prior to the expiration of said three-year period an application that such provisional amendment be further extended or made absolute will be entertained by the Regents, but that in the event that such an application is not made, then at the expiration of said term of three years such provisional amendment shall terminate and become void; and

2. Has made absolute the provisional amendments to the charter of Syracuse University authorizing the university to conduct additional in-residence institutional branches at

a. Nightly, for the purpose of conducting programs in engineering and the sciences at the graduate level, to be known as "Nightly Center of Syracuse University"; and

b. Diffie Air Force Base, for the purpose of conducting programs in engineering and the sciences at the graduate level to be known as "Diffie Air Base Center of Syracuse University";

which amendments were also granted on March 20, 1954, and were valid for a period of three years.



Wm. M. Shaw

Granted April 25, 1957, by the Board of Regents  
for and on behalf of the State Education Department,  
executed under the seal of said Department  
and recorded thereto. Number 12577

Ellis

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# University of the Education



# State of New York Department

## Amendment to Charter of Syracuse University

This instrument witnesseth: That the Board of Regents for and on behalf of the Education  
Department of the State of New York has amended the

charter of Syracuse University, Syracuse, -- which was originally incorporated through filing articles of incorporation under the general laws of the State of New York, on March 25, 1870, and reorganized and reincorporated by chapter 414 of the Laws of 1897, entitled "An Act for the Re-Organization and Incorporation of Syracuse University," which charter was amended from time to time by the Legislature and by the Board of Regents, including amendments by the Regents authorizing the conduct of branches for residence instruction in various parts of the State. --

(1) By providing that the branch for residence instruction conducted in Rochester and known as Rochester Center of Syracuse University, which was authorized by amendment to the charter of the university on March 25, 1894, be conducted in Adelphi, as well as in Rochester, and that the name of said branch be changed to Adelphi Center of Syracuse University; and

(2) By providing that the branch for residence instruction conducted in the Triple Cities Area of Syracuse University, which was authorized by amendment to the charter of the university by the Regents on July 18, 1894, such name having been changed by amendment of the charter by the Regents on March 25, 1894, to "Endicott Center of Syracuse University," be conducted in Oneida as well as in the Triple Cities Area, and that the name of said branch be changed to "Endicott-Deerp Center of Syracuse University."



Granted March 25, 1900, by the Board of Regents  
for and on behalf of the State Education Department,  
executed under the seal of said Department  
and recorded therein. Number 1027

*W. H. Thompson*

*James C. Allen*  
Secretary of the Board of Regents



University of the



State of New York

## Amendment to charter of Syracuse University

This instrument witnesses that the Regents of the University of the State of New York have amended the charter of Syracuse University, Syracuse — have originally incorporated through filing articles of incorporation under the general laws of the State of New York on March 25, 1870, and reorganized and reincorporated by chapter 414 of the Laws of 1887, entitled "An Act for the Re-Organization and Incorporation of Syracuse University," said charter having been amended from time to time by the Legislature — by authorizing the corporation to conduct a branch for "in-residence instruction in the Triple Cities Area of Duryhoun, Johnson City and Endicott, to be known as "Triple Cities College of Syracuse University" in order that students enrolled therein may receive their education at said branch of Syracuse University and receive transfer credits or degrees based on such instruction.



William J. Wallin.  
Chancellor

Granted July 18, 1946, by the Regents  
of the University of the State of New York  
attested under their seal and recorded in their  
office. Number 5255

Thomas A. ...

University of the



State of New York

## Amendment to charter of Syracuse University

This instrument witnesses That the Regents of the University of the State of New York

have amended the charter of Syracuse University, Syracuse, — which was originally incorporated through filing articles of incorporation under the general laws of the State of New York on March 25, 1870, and reorganized and reincorporated by chapter 44 of the Laws of 1887, entitled "An Act for the Re-Organization and Incorporation of Syracuse University," said charter having been amended from time to time by the Legislature and having been amended by the Board of Regents on July 16, 1946, by authorizing the corporation to conduct a branch for "in-residence" instruction in the Triple Cities Area of Binghamton, Johnson City and Endicott, to be known as "Triple Cities College of Syracuse University," — by authorizing the university to conduct a branch for "in-residence" instruction in or near the city of Utica, to be known as "Utica College of Syracuse University," in order that students enrolled therein may receive their education at said branch of Syracuse University and receive transfer credits or degrees based on such instructions.

Granted January 17, 1947, by the Regents  
of the University of the State of New York  
attested under their seal and recorded in their  
office. Number 5576



William J. Wallin  
Chancellor

Francis D. Stuchlik

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The  
University of the  
Education

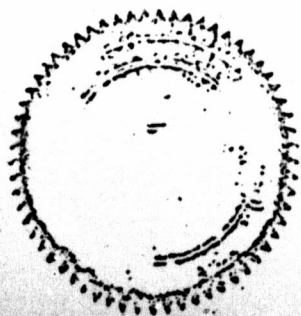


State of New York  
Department

Amendment to Charter of  
Syracuse University

This instrument witnesses That the Board of Regents for and on behalf of the Education  
Department of the State of New York has amended the

charter of Syracuse University, located in Syracuse, State of New York,—which was originally incorporated through  
filing articles of incorporation under the general laws of the State of New York on March 25, 1870, and reorganized and  
reincorporated by chapter 414 of the Laws of 1887, entitled "An Act for the Re-Organization and Incorporation of  
Syracuse University", which charter was amended from time to time by the Legislature and by the Board of Regents  
including amendments by the Regents authorizing the conduct of branches for insidence instruction in various parts of  
the State,—by authorizing the university to terminate its insidence institutional branch at Chautauque, known as  
"Chautauque Center of Syracuse University".



Granted February 23, 1959, by the Board of Regents  
for and on behalf of the State Education Department,  
executed under the seal of said Department  
and recorded therein. Number 6886

Ralph W. McKeown

President of the University

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SYRACUSE UNIVERSITY BYLAWS

Adopted November 10, 1972

ARTICLE I. TRUSTEES

SECTION 1. NUMBER AND TERM OF TRUSTEES. The Board of Trustees shall consist of not fewer than twenty nor more than sixty members, the number to be fixed from time to time by the Board. The term of a Life Trustee shall be for life and of an Honorary Trustee other than an ex officio Honorary Trustee shall be for one year. All other Trustees shall be chosen for a term of six years. No person shall serve as a voting Trustee for more than two full consecutive terms and no person who has attained the age of seventy shall be eligible for election or reelection except as an Honorary or Life Trustee. The Chancellor and the President of the Alumni Association by virtue of their election as such shall become ex officio members of the Board.

The terms of all Trustees elected by the Board shall commence at their election and shall expire upon the election of their respective successors at an annual meeting held in or subsequent to the sixth year after their respective elections.

The terms of Alumni Trustees shall commence at the first annual meeting of the Board of Trustees following their election by the Alumni Association and shall expire upon the commencement of the terms of their respective successors at

an annual meeting held in or subsequent to the sixth year after their respective elections.

SECTION 2. ORGANIZATION TRUSTEES. Eight members of the Board shall be elected by the Board as Organization Trustees. The several annual conferences of the Methodist Church hereinafter named may recommend members for election by the Board as Organization Trustees as follows: Central New York Conference, Western New York Conference, Northern New York Conference and Wyoming Conference, two each.

SECTION 3. ALUMNI TRUSTEES. Ten members of the Board in addition to the President of the Alumni Association shall be elected by the Alumni Association of Syracuse University and the persons so elected shall be alumni of the University of at least five years' standing.

SECTION 4. TRUSTEES AT LARGE. Trustees not to exceed twenty in number shall be chosen by the Board as Trustees at Large at its annual meeting.

SECTION 5. LIFE TRUSTEES. A Trustee by reason of long and distinguished service to Syracuse University, after reaching the age of seventy years, may be elected by the Board as a Life Trustee with power and authority to attend all meetings of the Board, to participate in the proceedings, and to serve on committees, but without the power to vote as Trustee.

SECTION 6. HONORARY TRUSTEES. The Governor of the State of New York, the Commissioner of Education of the State of New York, the Bishop of the Methodist Church in charge of the area in which Syracuse University is located, and the Mayor of the City of Syracuse by virtue of their respective offices, and such other persons as from time to time the Board may elect, shall be honorary members of the Board with power and authority to attend all meetings of the Board and to participate in the proceedings, but without the power to vote.

SECTION 7. ELECTION CERTIFICATE. When any annual Conference shall recommend or the Alumni Association shall elect a Trustee of the University, the Secretary of such Conference, and the Secretary of the Alumni Association, respectively, shall forthwith make and file with the Secretary of the Board a proper certificate of such action.

SECTION 8. VACANCIES. Vacancies in the office of Trustees created by death, resignation, failure by the Alumni Association to elect, failure to accept the office, or from any other cause, may be filled until the next annual meeting by vote of a majority of the Trustees then in office. Vacancies in any committee may be filled for the unexpired term by the Chairman of the Board.

SECTION 9. ABSENCES. The failure of a voting Trustee to attend any meeting of the Board for a period of two successive

years shall be deemed a resignation from office by such Trustee, unless the Executive Committee shall for good reason excuse such failure.

#### SECTION 10. EX OFFICIO TRUSTEES AND COMMITTEE MEMBERS.

Unless otherwise specified in these Bylaws, any person acting as Trustee or committee member ex officio shall be entitled to vote as such Trustee or committee member.

### ARTICLE II. MEETINGS

SECTION 1. REGULAR MEETINGS. The Board of Trustees shall hold its annual meeting at Syracuse, New York, at such time during the last week of the collegiate year as the Chairman of the Board shall determine. There shall be another regular meeting of the Board in the month of November in each year, on such date and at such place as the Chairman of the Board shall designate.

SECTION 2. SPECIAL MEETINGS. A special meeting of the Board may be called by the Chairman with the concurrence in writing of the Chancellor or three other Trustees, when in his judgment the interests of the University shall require it; and it shall be his duty to call such meetings when so requested in writing by six Trustees. Any request or call for a special meeting of the Board shall state the nature of the business to be transacted at such meeting, and no other business shall

be considered.

SECTION 3. NOTICE OF MEETINGS. The Secretary or other officer calling the meeting shall cause notice to be given to each Trustee at least ten days prior to any regular or special meeting. Notice shall be effective upon personal service upon a Trustee, or upon mailing to the Trustee at his or her last known address.

SECTION 4. ADJOURNMENT OF MEETINGS. Any meeting of the Board may be adjourned from time to time, but not beyond the date of the next regular meeting. If any meeting is adjourned for more than ten days, notice of such adjournment shall be given by mail or otherwise to Trustees not present at the meeting.

SECTION 5. QUORUM. At each meeting of the Board of Trustees, fifteen members shall constitute a quorum for the transaction of business. A majority of such quorum shall decide any question that may come before the meeting, except the question of an amendment of the Bylaws which shall be governed by Article VIII, and the question of the election or dismissal of any officer or member of the faculty which shall require a concurring vote of at least twelve Trustees for such action.

SECTION 6. ORDER OF BUSINESS. The order of business at each meeting of the Board shall be determined by the Chancellor of the University, except that any question as to priority of business shall be determined by the Chairman of the Board.

### ARTICLE III. OFFICERS AND FINANCE

SECTION 1. OFFICERS ENUMERATED. The officers of the Board shall be a Chairman, one or more Vice Chairmen, and a Secretary. They shall be elected severally from among the members of the Board at the annual meeting and shall hold office one year, or until their respective successors are elected. No person who has attained the age of seventy shall be eligible for election or reelection to any such office. The Board also may elect or designate such assistants to these officers, and such other officers, as it deems fit from time to time, from among its members or otherwise, to perform such duties and to serve for such duration as the Board may specify.

SECTION 2. CHAIRMAN OF THE BOARD. It shall be the duty of the Chairman to preside at all meetings of the Board and to perform all the other duties usually performed by such officer. His tenure of office ordinarily shall be limited to two years.

SECTION 3. VICE CHAIRMEN. It shall be the duty of the Vice Chairmen, in the order of seniority of membership on the Board, to perform all the duties of the Chairman in the absence or disability of that officer.

SECTION 4. SECRETARY. It shall be the duty of the Secretary to be present at all meetings of the Board; to

keep accurate records of all proceedings thereof; and to perform all such other duties as shall be prescribed by these Bylaws or directed by the Board, and as usually are performed by the Secretary.

SECTION 5. OFFICERS AND UNIVERSITY FINANCE. Except as otherwise provided by law, the funds of the University shall be deposited in its name with such bank or banks, trust company or trust companies as the Board shall designate from time to time. All checks, notes, drafts and other negotiable instruments of the University shall be signed by such officers, agents, or employees as the Board may determine from time to time by resolution. No officers, agents or employees of the University either singly or together shall have the power to make any check, note, draft or other negotiable instrument in the name of the University or to bind the University thereby, except as in this Section provided. Checks normally shall be signed by the Comptroller or by the Treasurer with respect to endowment funds, or by others who may be authorized by the Board. Their signatures may be facsimile signatures. All checks in excess of \$10,000 shall be countersigned by the Chancellor or a Vice Chancellor.

SECTION 6. FISCAL AGENTS. The Board may appoint a trust company or a bank or two or more trust companies or banks, incorporated under the laws of the United States or of the State of New York and doing business within the State of

New York, to act as Fiscal Agent or Fiscal Agents of the University, and may prescribe their several authority and duties. All securities and valuable papers, including real estate bonds and mortgages, may be deposited with the Fiscal Agent or Fiscal Agents, subject always to the control of the Board. All coupons and interest due thereon to the University may be collected and received by the Fiscal Agent or Fiscal Agents. If more than one Fiscal Agent is appointed the Board shall designate the particular funds for which each Agent shall be the custodian.

SECTION 7. PROHIBITION ON LOANS. No loan shall be made to any Trustee, officer or employee of the University.

SECTION 8. EXECUTION OF DOCUMENTS TO TRANSFER ASSETS. The Chancellor, the Chairman of the Board, a Vice Chairman, a Vice Chancellor, the Vice President for Business Management, the Treasurer, or the Comptroller is authorized to execute any assignment or other instrument necessary in connection with the duly authorized sale, transfer, or exchange of any of the University's assets, including real estate, whether they be endowment assets administered by the Endowment Committee or otherwise.



#### ARTICLE IV. COMMITTEES

SECTION 1. THE EXECUTIVE COMMITTEE. There shall be an Executive Committee of the Board consisting of twelve voting Trustees, plus the ex-officio members specified in Section 8 of this Article. Nine members shall be elected at each annual meeting of the Board by a majority of the entire Board and shall hold office for one year or until their successors are elected. The other three members shall be appointed for each quarter of the year by the Chairman of the Board, from among twelve or more additional voting Trustees designated at the annual meeting by a majority of the entire Board, to serve for a term of three months as members of the Committee. The Chairman of the Board shall designate the Chairman, and may designate other officers, of the Executive Committee. As used in these Bylaws, "entire Board" means the total number of Trustees entitled to vote which the University would have if there were no vacancies.

Subject to such limitations and regulations as may be prescribed by law or these Bylaws or by the Board the Executive Committee shall have and exercise all the powers of the Board in the intervals between the meetings of the Board except the granting of honorary degrees, the election of a Chancellor, removals from office, the election of Trustees, and the amendment, alteration or repeal of these Bylaws. Such powers shall include the power to fix salaries of officers of the University as contemplated by section 216-a(7) of the Education Law and

section 715 (f) of the Not-for-Profit Corporation Law.

The Executive Committee shall make a written report of its acts and transactions to each regular meeting of the Board, and at such other times as the Board by resolution may require.

Five members of the Executive Committee shall constitute a quorum for the transaction of business.

The Executive Committee shall hold regular monthly meetings except for months when the full Board meets. It shall hold special meetings on the call of the Chancellor or Chairman of the Committee, either of whom shall call a special meeting on the request of two members of the Committee.

The Executive Committee shall report to the Board at the annual meeting, as to (1) nominations for vacancies on the Board, (2) nominations for membership in the Executive Committee and (3) nominations for officers of the Board.

SECTION 2. AUDIT COMMITTEE There shall be an Audit Committee of the Board consisting of four voting Trustees elected annually by a majority of the entire Board plus the ex-officio members specified in Section 8 of this Article. It shall cause and supervise an annual external audit, and report and make recommendations to the Board concerning fiscal practices of the University.

SECTION 3. ENDOWMENT COMMITTEE. There shall be an Endowment Committee of the University consisting of at least seven but no more than ten members. The Treasurer of the University and the Vice Chancellor for Administrative Operations shall serve as members of the Committee. The balance of at least five but no more than eight members shall be appointed annually by the Chairman of the Board and confirmed by the Board. At least half of the total members of the Committee shall be Trustees. All the prior portions of this section shall be applied without reference to the Chancellor and the Chairman of the Board who shall increase the membership of the Committee ex officio as provided in Section 8 of this Article. The Chairman of the Board shall designate the Chairman of the Committee from among the Trustee members.

The Committee shall care for and have supervision of the endowment funds of the University, and subject to the direction of the Board shall make or cause to be made investments of all such funds available for investment. The Committee shall have authority to change the form of investments of the University endowment funds, and in making such changes to sell, buy or exchange any stocks, bonds, or other securities, and any real estate, which from time to time may belong to the University and for which it may be responsible, and to make new investments. The Endowment Committee shall keep a written report of all its meetings and transactions, and shall promptly transmit to the Executive Committee a copy of such report, and shall

make a written report of all its transactions to the Board at its annual meeting.

The Treasurer of the University shall serve as Secretary to the Committee, and also shall be responsible for preparation of agenda for meetings and advising the Committee on investment matters.

In all places in these Bylaws where endowment funds or assets are referred to, they shall be deemed to include quasi-endowment funds or assets, i.e., assets which may not be restricted as endowments as a matter of law but which the Trustees choose to have administered as endowments, for reasons of convenience or otherwise, from time to time.

SECTION 4. ADMINISTRATIVE OPERATIONS COMMITTEE. There shall be an Administrative Operations Committee of the University consisting of at least five Trustees appointed annually by the Chairman of the Board and confirmed by the Board, plus the ex-officio members specified in Section 8 of this Article. In addition the Vice Chancellor for Administrative Operations and such Vice Presidents as he may designate shall serve as advisory members of the Committee without vote. Unless the Committee designates otherwise, the Vice Chancellor for Administrative Operations shall act as Secretary of the Committee.

The Committee shall be concerned with, review, and report and make recommendations to the Chancellor and to the Board concerning the income and assets of the University and

the proper and efficient use thereof for the University's purposes. In so doing it may create such subcommittees relating to budget, use of real property, and otherwise, and with such members, as it may choose through designation by the Chairman of the Committee and confirmation by the Committee.

The Committee shall keep informed regarding formulation of the annual budget, insurance coverage, and the book-keeping and financial records of the University, and report on the same to the Board with recommendations. When approved by the Board, the annual budget shall be the authority for incurred expenditures for the departments included therein. It shall be the duty of the Chancellor, the Vice Chancellor for Administrative Operations, and the Vice Chancellor for Academic Affairs to supervise distribution of general budget appropriations by authorizing expenditures within the limits of such appropriations, subject to such procedure for requisition and purchase as may be ordered by the Board. No requisition shall be approved which exceeds the amount of the appropriation available without reference to the Board and authorization by it.

The Committee also shall study and review all University land use plans and review and make recommendations to the Chancellor upon matters of physical development of the University. It shall make a periodic inspection of the physical plant and make recommendations relating thereto to the Chancellor.

**SECTION 5. ACADEMIC AFFAIRS COMMITTEE.** There shall be an Academic Affairs Committee of the University consisting

of at least five Trustees appointed annually by the Chairman of the Board and confirmed by the Board, plus the ex-officio members specified in Section 8 of this Article. In addition, the Vice Chancellor for Academic Affairs and such Vice Presidents as he may designate shall serve as advisory members of the Committee without vote. Unless the Committee designates otherwise, the Vice Chancellor for Academic Affairs shall act as Secretary of the Committee.

The Committee shall be concerned with, review, and report and make recommendations to the Chancellor and to the Board concerning academic planning, policies, programs and affairs of the University. In so doing it may create such sub-committees relating to the Francis Hendricks Endowment for Medical Research, and otherwise, and with such members, as it may choose through designation by the Chairman of the Committee and confirmation by the Committee.

SECTION 6. STUDENT PROGRAMS COMMITTEE. There shall be a Student Programs Committee of the University consisting of at least five Trustees appointed annually by the Chairman of the Board and confirmed by the Board, plus the ex-officio members specified in Section 8 of this Article. In addition, the Vice Chancellor for Student Programs and such Vice Presidents as he may designate shall serve as advisory members of the Committee without vote. Unless the Committee designates otherwise, the Vice Chancellor for Student Programs shall act as Secretary of the Committee.

The Committee shall be concerned with, review, and report and make recommendations to the Chancellor and to the Board concerning student programs of the University. In so doing it may create such sub-committees, and with such members, as it may choose through designation by the Chairman of the Committee and confirmation by the Committee.

SECTION 7. UNIVERSITY RELATIONS COMMITTEE. There shall be a University Relations Committee of the University consisting of at least five Trustees appointed annually by the Chairman of the Board and confirmed by the Board, plus the ex-officio members specified in Section 6 of this Article. In addition, the Vice Chancellor for University Relations and such Vice Presidents as he may designate shall serve as advisory members of the Committee without vote. Unless the Committee designates otherwise, the Vice Chancellor for University Relations shall act as Secretary of the Committee.

The Committee shall be concerned with, review, and report and make recommendations to the Chancellor and to the Board concerning the University's needs and programs for its development of facilities, endowment, and current support, and its programs of publicity, information and community relations. In so doing it may create such sub-committees relating to honorary degree awards recommendations of the Senate and the Trustees, Arents Medals awards, major fund raising programs, and otherwise, and with such members, as it may choose through designation by the Chairman of the Committee and confirmation by the Committee.

SECTION 8. EX OFFICIO MEMBERS; SELECTION OF COMMITTEES;  
QUORUM. The Chancellor and the Chairman of the Board shall  
be ex officio members of all committees specified in this Article,  
with power to vote.

The Chairman of each committee specified in this Article  
shall be designated by the Chairman of the Board.

A majority of any committee specified in this Article  
except the Executive Committee shall constitute a quorum.

SECTION 9. FISCAL LIMITATIONS UPON COMMITTEES. No  
committee specified in this Article or sub-committee thereof,  
other than the Executive Committee and the Endowment Committee,  
shall incur any debt or liability of the University except for  
incidental expenses necessarily incurred in the routine work  
of the Committee, without the authorization or approval of the  
Board.

SECTION 10. MEETINGS OF PERMANENT ADVISORY COMMITTEES.  
The Administrative Operations Committee, the Academic Affairs  
Committee, the Student Programs Committee, and the University  
Relations Committee shall function as permanent advisory com-  
mittees of the University. They shall meet for one full day  
in advance of each of the regular meetings of the Board held  
in late Spring and in November of each year.

## ARTICLE V. REPORTS

SECTION 1. COMMITTEE REPORTS - REGULAR MEETINGS.



in Article IV shall render a report of its transactions at each regular meeting of the Board, and at such other times as the Board may direct.

SECTION 2. COMMITTEE REPORTS - EXECUTIVE COMMITTEE MEETINGS. At each meeting of the Executive Committee the Chancellor shall make a report and shall have, when appropriate, reports made by the respective Vice Chancellors.

SECTION 3. CHANCELLOR'S REPORT. At each regular meeting of the Board and at such other times as the Board shall request, the Chancellor shall make a written report of the progress and condition of the work in the various departments of the University, and all matters pertaining to his duties as such officer, and shall make such recommendations to the Board relating to the welfare of the University, or any department thereof, as he shall deem proper.

#### ARTICLE VI. OFFICERS OF THE UNIVERSITY

SECTION 1. CHANCELLOR OF THE UNIVERSITY. There shall be a Chancellor and President of the University, herein elsewhere termed Chancellor, who shall be its chief administrative officer and the ex officio head of each of its faculties. He shall be elected by the Board to serve for such term as the Board shall prescribe.

The Chancellor shall have the general powers and duties

of supervision and management of the property and affairs of the University which usually pertain to his office and shall have general charge of all the educational activities of the University. He shall perform all duties incidental thereto and all such special duties as the Board may properly direct. He shall act as the official medium of communication between the faculties and the Board and between the students and the Board. He shall be the representative of the Trustees and Faculty of the University at the Annual Commencement and on other public occasions, and shall confer upon the candidates the academic degrees which have been voted by the Trustees. He shall be ex officio a member of every committee specified in Article IV. In case of his death, resignation or inability to act the Executive Committee may appoint an Acting Chancellor of the University, who shall perform all the duties of the Chancellor until the next meeting of the Board or until the disability of the Chancellor ceases. In case the Executive Committee shall appoint an Acting Chancellor, the Board at any time thereafter may elect a Chancellor or an Acting Chancellor.

#### SECTION 17. VICE CHANCELLORS AND VICE PRESIDENTS.

There shall be a Vice Chancellor for Administrative Operations, a Vice Chancellor for Academic Affairs, a Vice Chancellor for Student Program, a Vice Chancellor for University Relations, and such other Vice Chancellors, and such Vice Presidents reporting to the respective Vice Chancellors, as may be appointed by the Chancellor with the prior approval of the Board. They

shall perform such duties as the Chancellor may direct from time to time.

SECTION 3. TREASURER. There shall be a Treasurer, appointed by the Chancellor with the prior approval of the Board, who shall maintain stewardship of the University's endowment assets, including the investment thereof, as directed by the Board or the Endowment Committee. He shall give a bond for the faithful performance of his duties in such amount as the Board shall direct. In the performance of his duties the Treasurer shall be responsible to the Chancellor through the Vice Chancellor for Administrative Operations.

SECTION 4. COMPTROLLER. There shall be a Comptroller appointed by the Chancellor with the prior approval of the Board, who shall collect and disburse income and maintain stewardship of the University's assets other than those administered by the Endowment Committee and the Treasurer. He shall have custody of all such assets, including funds, securities, deeds, mortgages, contracts, legal papers and documents, and shall be responsible, subject to the directions of the Board, for investing any part of such assets available for investment. He shall have such budgetary and fiscal management responsibilities as may be assigned by the Vice Chancellor for Administrative Operations. He shall give a bond for the faithful performance of his duties in such amount as the Board shall direct. In the performance of his

duties, the Comptroller shall be responsible to the Chancellor through the Vice Chancellor for Administrative Operations.

#### SECTION 5. ADDITIONAL OFFICERS OF THE UNIVERSITY.

The Chancellor with the prior approval of the Board may appoint such other officers as he deems fit. They shall perform such duties as the Chancellor may direct from time to time.

### ARTICLE VII. UNIVERSITY INSTRUCTION AND SENATE

SECTION 1. DEANS AND DIRECTORS. The Deans and Directors shall be appointed by the Board on nomination by the Chancellor. The Deans and Directors shall administer the programs of the department, division, school or college to which they are appointed. Their specific responsibilities will be defined by the Chancellor and they shall be responsible through the appropriate Vice President or Vice Chancellor to him.

SECTION 2. PROFESSORS, ASSOCIATE PROFESSORS AND ASSISTANT PROFESSORS. Professors, associate professors and assistant professors shall be appointed by the Board on nomination by the Chancellor.

SECTION 3. INSTITUTION OF CHAIRS. The institution and endowment of chairs in the several colleges shall be provided for by special acts of the Board.

#### SECTION 4. COMPOSITION OF THE UNIVERSITY SENATE.

There shall be a University Senate. The following shall be members of the Senate ex officio: Chancellor, Vice Chancellors, Executive Assistant to the Chancellor, Vice Presidents, Deans, President and Dean of Utica College, President of the State University College of Environmental Science and Forestry, Director of Physical Education for Men, Director of Physical Education for Women, Director of the Center for Instructional Development, Director of Systems and Information Sciences. Additional administration members shall be appointed by the Chancellor in such numbers that they shall make, together with the ex officio members specified in the preceding sentence, a total of forty-five. Additional members shall consist of the staff, faculties and students of the several colleges and schools and libraries elected as provided by the Bylaws of the University Senate.

SECTION 5. POWERS OF THE SENATE. Subject to the direction of the Chancellor and of the Board, the University Senate shall have general supervision over all educational matters concerning the University as a whole, and over such matters as may be referred to it by the Chancellor or the Board. The University Senate shall have power to adopt and to amend Bylaws governing its composition, organization, procedures, and committees. The decisions of the Senate, when validated by the concurrence of the Chancellor, shall be deemed conclusive unless and until this Board shall take action thereon.

Recommendations to the Board for changes in status of members of the teaching staff above the rank of instructor shall be considered by the Senate and its report and recommendations submitted to the Board. The Board shall not approve faculty promotion without first requesting a recommendation from the Senate.

SECTION 6. POWERS OF FACULTIES. The Faculty of each college and school shall be complete in itself, but under the supervision of the Chancellor and, subject to the approval of the Senate and the Board, shall have jurisdiction over the educational program and the internal affairs of its own college or school, including such matters as requirements for admission and for graduation, curriculum and instruction, textbooks, examinations and grading, degrees and prizes.

SECTION 7. FACULTY TERMS OF APPOINTMENT. Each member and office of the several faculties shall be elected by the Board to serve for such term as the Board shall prescribe.

SECTION 8. DEGREE CANDIDATES. The several faculties shall recommend to the Senate candidates for degrees in courses in their respective departments, which recommendations shall be reported by the Senate to the Board with recommendations.

SECTION 9. HONORARY DEGREES. The Board shall have the exclusive power to confer honorary degrees. The Senate

shall consider all recommendations and suggestions for honorary degrees and report its recommendations, made by two-thirds vote of those members of the Senate present and voting, to the University Relations Committee of the Board or its appropriate sub-committee.

The Board shall not vote to confer an honorary degree without first requesting a recommendation from the Senate. Candidates are expected to be present in person to receive honorary degrees.

#### ARTICLE VIII. AMENDMENTS

SECTION 1. These Bylaws may be amended by a two-thirds vote of a quorum of the Trustees present at any regular or special meeting of the Board, provided this is also the vote of a majority of the entire Board, and provided notice in writing of any proposed amendment shall have been given at a preceding meeting, or by mailing notice of such proposed amendment to each member of the Board at his last known address, at least ten days prior to the date of the meeting at which the proposed amendment is to be submitted.



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JO DAVIS MORTENSON, et al,

Plaintiff

vs.

SYRACUSE UNIVERSITY, et al,

Defendants

NOTICE OF MOTION TO  
STAY DISCOVERY

Civil Action No.  
73-CV-545

TO: James I. Meyerson  
1790 Broadway 10th Floor  
New York, New York 10019  
Attorney for Plaintiff

PLEASE TAKE NOTICE that the undersigned will move this Court at a term thereof to be held February 11, 1974 at the Federal Court House, Federal Building, Syracuse, New York at 10 o'clock in the forenoon or as soon thereafter as counsel can be heard for an order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, to stay discovery proceedings herein, including responses to plaintiff's interrogatories and document requests, on the ground that such proceedings would be a needless burden and expense to defendant if any of defendants' motions to dismiss the complaint, to strike the material portions of the pleadings and to determine that this matter should not proceed as a class action, returnable contemporaneously herewith, is granted.

Dated: January 22, 1974

BOND, SCHOENECK & KING  
Attorneys for Defendants

By William F. Fitzpatrick  
William F. Fitzpatrick

Office and P. O. Address  
One Lincoln Center  
Syracuse, New York 13202  
(315) 422-0121



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JO DAVIS MORTENSON, et al,

Plaintiff

vs.

SYRACUSE UNIVERSITY, et al,

Defendants

AFFIDAVIT IN SUPPORT  
OF MOTION FOR CLASS  
DISCOVERY

Civil Action No.  
73-CV-545


STATE OF NEW YORK ) ss.:  
COUNTY OF ONONDAGA )

WILLIAM F. FITZPATRICK, being duly sworn, deposes and  
says:

1. I am an attorney in the firm of Bond, Schoeneck  
& King, attorneys for the defendants in this action.
2. This affidavit is made in support of defendants'  
motion to stay discovery proceedings including responses to  
plaintiff's interrogatories and document requests pending  
determination of defendants' various motions.
3. Defendants have filed motions to dismiss plaintiff's  
cause of action based on a lack of jurisdiction and a failure  
to state a claim upon which relief can be granted. Defendants  
have also moved to strike certain paragraphs of the complaint  
which are immaterial to the cause of action and prejudicial to  
defendants.
4. Should the Court determine, as a matter of law,  
that this action should be dismissed or that certain paragraphs  
should be struck from the complaint, it will be unnecessary  
and a needless expense to respond to each of plaintiff's  
interrogatories and document requests.
5. Further, defendants have moved the Court to  
determine that this action should not proceed as a class  
action.
6. Should the Court determine that this action should  
not proceed as a class action, defendants request that the

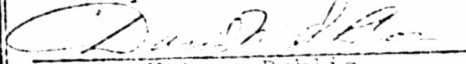
Court permit only such discovery as pertains to the individual claim of Jo Davis Mortenson.

7. Defendants request that the Court order that all discovery in furtherance of this action be suspended until such order is issued.

  
William F. Fitzpatrick

Sworn to before me this

20th day of January, 1974.

  
Notary Public

DAVID H. NELSON  
Notary Public in the State of New York  
Qualified in Onondaga County, New York  
My Commission Expires March 20, 1975

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JO DAVIS MORTENSON, et al,

Plaintiff

vs.

SYRACUSE UNIVERSITY, et al,

Defendants

AFFIDAVIT OF MAILING

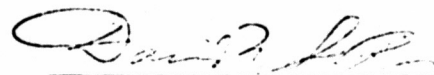
Civil Action No.  
73-CV-545

STATE OF NEW YORK )  
COUNTY OF ONONDAGA) ss.:

DAVID N. SEXTON, being duly sworn, deposes and says:


That on the 22nd day of January, 1974, he served the annexed Notice of Motion to Stay Discovery and Supporting Affidavits in the above entitled action on the person whose name is set forth below, by enclosing true and correct copies of said Notice of Motion to Stay Discovery and Supporting Affidavits in a securely sealed, post-paid envelope addressed to said person at his respective post office address as set forth below, and depositing same in a mail chute regularly maintained by the United States Government in the Lincoln Bank Building, Syracuse, New York.

James I. Meyerson  
1790 Broadway 10th Floor  
New York, New York 10019

  
David N. Sexton

Sworn to before me this

22<sup>nd</sup> day of January, 1974.

  
Notary Public

*Copy Commission Expires 3/3/75*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JO DAVIS MORTENSON, et al

Plaintiff

AFFIDAVIT

vs.

SYRACUSE UNIVERSITY, et al

Civil Action No.  
73-CV-545

Defendants

STATE OF NEW YORK ) ss.:  
COUNTY OF ONONDAGA)

DAVID N. SEXTON, being duly sworn, deposes and says:

1. Syracuse University, defendant in this action, has received from the Equal Employment Opportunity Commission a Notice of Charge of Employment Discrimination (attached as Exhibit A) dated February 11, 1974 which indicates that the Commission is investigating a charge of employment discrimination filed by Jo Davis Mortenson, the individual plaintiff in this matter, charging discrimination based on sex.

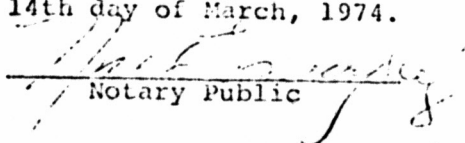
2. The notice indicates that the nature of the charge is hiring and that the date of the alleged violation is April 30, 1973.

3. On information and belief, this notice indicates that the Equal Employment Opportunity Commission is currently investigating the matters now before this Court, and this Court is, therefore, deprived of jurisdiction since plaintiff has not exhausted her administrative remedies.

  
David N. Sexton

Sworn to before me this

14th day of March, 1974.

  
Notary Public

Notary Public  
Qualified in O. S. No. 34-214120  
My Commission Expires March 30, 1975

# EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**BUFFALO DISTRICT OFFICE**  
ONE W. GENESEE ST. - RM 1020  
BUFFALO, NEW YORK 14202

PERSON FILING CHARGE

Jo Davis Mortenson

THIS PERSON CLAIMS:

☒ CLAIMS TO BE AGGRIEVED

☐ IS FILING ON BEHALF OF A PERSON CLAIMING TO BE AGGRIEVED

☐ IS A COMMISSIONER OF EEOC

DATE OF ALLEGED VIOLATION

4/30/73

PLACE OF ALLEGED VIOLATION

Syracuse, N.Y.

CHARGE NUMBER

TECH 0551

TO: [President  
Syracuse University  
Skytop Park  
Syracuse, New York 13210]

## Notice of Charge of Employment Discrimination

(See Notice of Non-retaliation on reverse)

You are hereby notified that a charge of employment discrimination under Section 706 of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e-5, as amended, has been filed against you. Information relating to the date, place, and circumstances of the alleged unlawful employment practice or practices is provided herein.

No action on your part is necessary at this time. However, if you wish to submit any information in writing, it will be a part of the file and will be considered at the time we investigate this charge. Telephone communications cannot be made a part of the record. Section 1602.14 of the Commission's Regulations (see attachment) requires the preservation of all personnel records relevant to this charge, as described below, until it is resolved.

Because of the Commission's volume of pending work, we are unable to tell you when we can schedule investigation of this charge; we will, however, contact you at the earliest possible date.

BASIS OF DISCRIMINATION



☐ RACE OR COLOR

☒ SEX

☐ RELIGION

☐ NATIONAL ORIGIN

### NATURE OF CHARGE

<input checked="" type="checkbox"/> HIRING	<input type="checkbox"/> DISCHARGE	<input type="checkbox"/> LAYOFF	<input type="checkbox"/> RECALL
<input type="checkbox"/> WAGES	<input type="checkbox"/> PROMOTION	<input type="checkbox"/> DEMOTION	<input type="checkbox"/> SENIORITY
<input type="checkbox"/> JOB CLASSIFICATION	<input type="checkbox"/> TRAINING/ APPRENTICESHIP	<input type="checkbox"/> EXCLUSION	<input type="checkbox"/> UNION REPRESENTATION
<input type="checkbox"/> SEGREGATED LOCALS	<input type="checkbox"/> REFERRAL	<input type="checkbox"/> QUALIFICATION/TESTING	<input type="checkbox"/> ADVERTISING
<input type="checkbox"/> BENEFITS	<input type="checkbox"/> SEGREGATED FACILITIES	<input type="checkbox"/> INTIMIDATION/ REPRISAL	<input type="checkbox"/> REPRISAL (U.S.C. 704(a) ONLY)
<input type="checkbox"/> TERMS AND CONDITIONS	<input type="checkbox"/> UNSPECIFIED AND OTHER	<input type="checkbox"/> OTHER (Specify)	

DATE

2/11/74

TYPED NAME OF DISTRICT DIRECTOR

Lloyd G. Bell

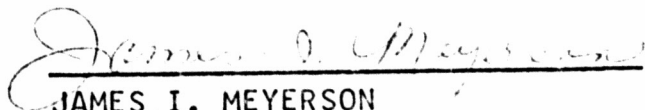
SIGNATURE

Lloyd G. Bell

CERTIFICATE OF SERVICE

James I. Meyerson, attorney for the Appellant, certifies that on the 22th day of November, 1974, I did serve a copy of the foregoing Supplemental Appendix on the Appellees by mailing the same first class, postage prepaid to thier attorneys: Bond, Schoeneck & King, One Lincoln Plaza, Syracuse, New York, by David Sexton, Esq.

Respectfully submitted,



JAMES I. MEYERSON  
1790 Broadway - 10th Floor  
New York, New York 10019  
(212) 245-2100

Attorney for Appellant